PRESERVED

App. F. IX-4

Previous References

1938.
(Courts)

File No. 79938
Serial Nos. 1-4.

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four only.

Part B for March, 1939.

SUBJECT. Grant of Travelling Allowance & daily allowance to the Finger Print Experts (Inspectors & Sub-Inspectors of Police) who attend Civil Courts in the State as witnesses.

8(4) To The Registrar, High Court, The I.G. of Police and the Comptroller

WD 0295—GPB—22,500—18-8-37

No. P 4570-12 dt 21.2.39

Sanctioned

Surgur Nazeer Hussain
11/3/39.

2347

General and Revenue Secretariat | cts File No. 79 of 1938 | [App. F. III—2

Serial No.

From

The Inspector General Of Police

A C 1625/37-38 Dt 14.10.1938

Recommends that the Finger Print Experts of the Finger print Bureau who attend Civil Courts in the State as Witnesses in Cases in which Govt is not a party, may be granted T.A. admissible under the M.S.R.

(page 47)

1) Rule 135 of the Civil Rules of Practice Vol I regulates the payment of allowances to Witnesses attending Civil Courts in the State. Provision has also been made for payment of additional sum to professional Witnesses in special Cases (Please see Note 1 to the above Rule)

2) The I.G. of Police reports that there is no uniformity in the grant of allowances by the Courts and recommends that the Finger print Experts attending Civil Courts may be granted T.A. at the rates allowed to them under the M.S.R.

If approved, the High Court may be consulted

A draft of a letter is also laid herewith for approval or other orders

3) Issued

Laid

This file was returned by the Asst. Secy with the direction that the G.O. if any permitting the experts of finger print Bureau to draw an allowance of Rs 5/- per day may be put up this file. The G.O. if any Could not be traced.

Continuation Sheet.

WD 0544—GPB—30,000—2-9-38

TYPING SECTION

2

T. A. to Finger Print Experts

227 / 4864

cts File No. 79 / of 193 8

General and Revenue Secretariat

To

The Registrar High Court

P 2108 of 3-11-1938.

2

FEB 14 1939

6-525

Forwards a copy of the letter of 14.6.1938 from the S.G. officers in regard to the payment of T. A. to Finger print Experts and calls for the opinion of the High Court in the matter

Govt Regr

From

The Registrar High Court

Rec No 507 of 30.1.39.

3

States that the proposals of the S.G. officers appears to be reasonable and recommends the addition of a para as Note 5 to Rule 135 of Civil Rules of practice Vol I.

Submitted with previous references and a draft of a G.O. sanctioning, for approval or other orders (~~if approved~~, the Financial Secy may also peruse these papers)

TYPING SECTION 15 FEB. 1939 GEN. & REV. DEPTT.

CHIEF SECRETARY 4 FEB. 1939 GOVT. OF MYSORE

FINANCIAL SECRETARIAT U.O.No. FI. 2368 6 FEB. 1939

Chief Secy / 5 / May be appd.

6.2.39 6.2

1st member Fin Secy

B. 2.39

6.2

13.2 / Rec A57 2/39 15/2 18.2

GEN. & REV. SECRETARIAT
POLICE DEPARTMENT.
15. OCT. 1938
PROTOCOL BRANCH

2347 P 938

Tel. Address:
"POLICE"
PHONE No. 2108.

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,
Dated Bangalore, 14TH OCTOBER 1938.

When replying please quote
No. A.C.1625/37-38

DCS 79-387

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

CHIEF SECRETARY,
15 OCT 1938
GOVT. OF MYSORE.

RAJASEVAPRASAKTHA
B.T. Kesaviengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

17/10

SIR,

Travelling allowance to Finger Print Experts when they attend Civil Courts as witnesses in cases in which Government is not a party.

I have the honour to state that the Finger Print Experts (Inspectors and Sub Inspectors) of the Finger Print Bureau attend Civil Courts as witnesses in cases in which Government is not a party, when they are summoned by the Courts to give evidence on the opinions furnished by them in their official capacity. The Experts under the rules now in force are not entitled to any travelling allowance from Government for the journeys undertaken by them in the above cases, except the allowance admissible by the rules of the Court.

2. The allowances ordinarily admissible by the Courts will not come up to the amount of travelling allowance given as on tour under the rules in Mysore Service Regulations, and thus works as hardship to the Experts unless the Judge uses his discretion contemplated in Rule 135 Note 1 Civil Rules of Practice - Volume I, which runs as follows.-

> "In special cases where....rule would work as hardship, it shall be discretionary with the Judge to allow witnesses, such additional sum as he may consider reasonable to cover bonafide expenses incurred by him in travelling".

3. As things stand, there is no uniformity in the grant of allowance by the Courts. In some cases, the amounts given are more

than what the Officers would have been entitled if the same journeys were on tour under the Service Regulations and in others, it is less. The extra amount paid by the Courts is reported to have been given only on the representation of the experts to the effect that the amount awarded was not sufficient to meet their travelling expenses. This amount would be still less if the judges were to group separately the allowance granted by them as (1) allowance for travelling expenses, ___ and (2) subsistence allowance, because the experts are required to repay that part of the amount received by way of subsistence allowance under Article 555(b) Mysore Service Regulations.

4. With a view to secure uniformity in the payment of witness batta to the experts, I recommend that Government may be pleased to accord sanction to the grant of travelling allowance to the Finger Print Experts in the cases in question at the rates allowed to them on tour under the Service Regulations. I have to point out that Finger Print Experts attend the Courts more in the capacity of Government servants on duty than as private witnesses, as they go to give evidence on the opinion furnished by them in their official capacity. Payment of travelling allowance at the usual rates admissible under the Mysore Service Regulations will not only regularise the amount of allowance but also save unnecessary trouble of pressing in open Court for enhanced allowances.

5. In the circumstances, I request that you may be so good as to obtain the sanction of Government to amend the civil rules of practice as indicated above.

I have the honour to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No. P 21.08/Genl
& 3.11.38

To ds 79-38-2 (2)

The Registrar
High Court

Sir

I am directed to forward herewith a copy of letter No A.C 1625-37-38 dt 14.10.1938 from the I.G. of Police recommending that the Finger Print Experts of the Finger Print Bureau who attend the Civil Courts in the State as Witnesses in cases in which Govt is not a party, may be granted T.A. at the rates allowed to them on tour under the M.S.R and to request

WD 0280—GPB—22,500—14-3-38

that Govt may be favoured with the Views of the High Court in the matter.

I have etc

hq 2.11

For Chief Secretary to Govt

4

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2108 GS-79-38-2 *Dated, Bangalore,* 3rd November 1938.
Genl/

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar,
High Court, of Mysore
Bangalore.

Sir,

I am directed to forward herewith a copy of letter No.A.C. 1625/37-38 dated 14th October 1938 from the Inspector-General of Police recommending that the Finger Print Experts of the Finger Print Bureau who attend the Civil Courts in the State as witnesses in cases in which Government is not a party, may be granted travelling allowance at the rates allowed to them on tour under the Mysore Service Regulations and to request that Government may be favoured with the views of the High Court in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

3.11

For Chief Secretary to Government.

bks).

H. Admin. (F) No. 5.

R.O.C. No. 507
Dis. 38-39

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 30th January *1939.*

C579-38-3.

1. FEB 1939

FROM

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

CHIEF SECRETARY 31. JAN. 1939 GOVT. OF MYSORE.

To

Rajasevaprasaktha
B.T. Keshaviengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

With reference to your letter No.P.2108/Cts.79-38-2, dated 3-11-38, requesting the views of the High Court regarding the grant of travelling allowance to the Finger Print Experts of the Finger Print Bureau, who attend civil Courts as witnesses in cases in which the Government is not a party, I am directed to state that in the opinion of the Judges it is no part of the duty of the Government to supply private parties in civil litigation with the assistance of expert witnesses. If the Government allow their official experts to be called by private parties in such cases, it is not fair that the officials should get less in Travelling Allowance than they would get if travelling on Government business. The proposal of the Inspector-General of Police that these officials should be paid at their official rates appears to be reasonable.

2. I am to suggest therefore that, if the Government approve of the recommendation of the Inspector-General of Police, sanction may be accorded to the addition of the following as Note 5 to Rule 135 of the Civil Rules of Practice and Circular Orders, Vol.I.-

> "To Finger Print Experts of the Police Department travelling allowance and daily allowance shall be paid at the rates - prescribed for them when on official duty by the Mysore Service Regulations".

I have the honour to be,
Sir,
Your most obedient servant,

T. Shamiengar
Registrar.

VJC

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

allowance shall be paid at the rates prescribed for them when on Official duty by the Mysore Service Regulations"

MRS 6.2.39

Chief Secretary to Govt

To

HSB 4.2.39

The Registrar Hgh Court
The S.G. of Police
The Comptroller to Govt

WD 0280—GPB—22,500—14-3-38

Sd

9

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

- - - - -

READ:-

Letter No.Ac.1625/37-38 dated 14th October 1938 from the Inspector-General of Police in Mysore, recommending that the Finger Print Experts (Inspectors and Sub Inspectors of Police) of the Finger Print Bureau who attend Civil Courts in the State as witnesses in which Government is not a party, in pursuance of the summons issued by the Courts to give evidence, on the opinions furnished by them in their official capacity, may be granted Travelling Allowance at the rates admissible to them while on tour under the Mysore Service Regulations.

2. Letter No.Roc.507/38-39 dated 30th January 1939 from the Registrar, High Court, on the above subject.

- - - -

ORDER NO. P 4510-12 CS-79-38-4

Dated, Bangalore, the 28th February 1939.

Government are pleased to sanction the recommendation of the Inspector-General of Police which has been agreed to by the High Court and direct that the following be added as Note 5 to Rule 135 of the Civil Rules of Practice and Circular Orders Vol.I

"Note 5:- To Finger Print Experts of the Police Department travelling allowance and daily allowance shall be paid at the rates prescribed for them when on official duty by the Mysore Service Regulations".

B K Ramakrishnaraja
for Chief Secretary to Government.

To

The Registrar, High Court of Mysore.
The Inspector-General of Police in Mysore.
The Comptroller to Government.

S/4.